

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARCUS RAYDEVAN WILLIAMS,

Petitioner,

v.

CASE NO. 08-12182
HON. PATRICK J. DUGGAN

MILLICENT WARREN,

Respondent.

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan on May 11, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

**ORDER GRANTING PETITIONER'S MOTION
TO DISMISS OR TO STRIKE HIS HABEAS PETITION
AND TO ENLARGE THE TIME FOR FILING A REPLY**

Petitioner Marcus Williams ("Petitioner") has filed two *pro se* habeas corpus petitions under 28 U.S.C. § 2254. The Court, however, has electronically filed both petitions in the above-captioned matter as one pleading. (*See* Doc. 1.) In one petition, which identifies Petitioner as Marcus Raydevan Williams, Petitioner asserts ten grounds for relief and names Millicent Warren as the respondent (hereafter "Marcus Raydevan petition"). (*See id.* at 13-43.) In the other petition, in which Petitioner is identified as Marcus R. Williams, Petitioner asserts four grounds for relief and names S. Taylor as the

respondent (hereafter “Marcus R. petition”). (*See id.* at 44-75.)

Currently pending before the Court is Petitioner’s motion to dismiss or to strike the Marcus Raydevan petition. Petitioner asserts that this petition contains exhausted and unexhausted claims, whereas the Marcus R petition includes only his exhausted claims. Petitioner further seeks to amend the Marcus R petition to name Millicent Warren, his current custodian, as the respondent. Lastly, Petitioner seeks additional time to file a reply to Respondent’s answer to the habeas petition.

The Court **GRANTS** Petitioner’s request to strike the Marcus Raydevan petition and therefore strikes pages 13-43 of Docket No. 1. It appears to the Court that there is no need for Respondent to file a separate answer to the Marcus R petition, even though Respondent’s current answer focuses on the Marcus Raydevan petition, because the ten claims asserted in that petition include the four claims Petitioner asserts in his Marcus R petition. To the extent Respondent disagrees, and wishes to file an amended answer, it should inform the Court and Petitioner by filing a letter within ten (10) days of this Order.¹

The Court further **GRANTS** Petitioner’s request to amend the caption of the petition to name Millicent Warren as the respondent. Finally, the Court **GRANTS** Petitioner’s request for additional time to reply to Respondent’s answer. Unless

¹If Respondent informs the Court that she wishes to file an amended answer, the Court will issue an order indicating a deadline for this filing and a new deadline for Petitioner to file a reply. If Respondent does not so inform the Court, the deadline imposed *supra* for Petitioner’s reply applies.

Respondent files an amended answer, Petitioner must file any reply within twenty (20) days of this Order. *See* note 1.

SO ORDERED.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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